

A Meeting of the Nibley City Council held at Nibley City Hall, 455 West 3200 South, Nibley, Utah, on Thursday, December 3, 2015.

The following actions were made during the meeting:

Councilman Jacobsen motioned to adopt Resolution 15-11: A Resolution Waiving Impact Fees for The Stokes Nature Center. Councilman Bernhardt seconded the motion.

Councilman Jacobsen made a motion to amend to waive the second reading of Resolution 15-11 and adopt the resolution. Councilman Hansen seconded the motion. The amendment passed unanimously 4-0; with Councilman Jacobsen,, Councilman Hansen, Councilwoman Beus, and Councilman Bernhardt all in favor.

The amended motion passed 4-0; with Councilman Jacobsen, Councilman Bernhardt, Councilman Hansen, and Councilwoman Beus all in favor.

Councilwoman Beus motioned to receive the Nibley City Annual Audit as presented. Councilman Hansen seconded the motion. The motion passed unanimously 4-0; with Councilwoman Beus, Councilman Hansen, Councilman Jacobsen, and Councilman Bernhardt all in favor.

OFFICIAL MINUTES OF THE MEETING

Minutes were taken by Deputy City Recorder Cheryl Bodily

Opening Ceremonies (Mayor Dustin)

Mayor Dustin shared a quote from Napoleon. Mayor Dustin said he would be putting assigning the opening ceremonies on an alphabetical schedule rotation.

Call to Order

Mayor Shaun Dustin called the Thursday, December 3, 2015, Nibley City Council meeting to order at 6:37 p.m. Those in attendance included Mayor Shaun Dustin, Councilman Bryan Hansen, Councilman Larry Jacobsen, Councilwoman Kathryn Beus, and Councilman Thomas Bernhardt. Mr. David Zook, the City Manager, Ms. Shari Phippen, Nibley City Planner, Justin Maughn, Nibley City Public Works Director, and Stephen Nelson, Nibley City Treasurer were also in attendance. Councilman Ron Hellstern was excused from the meeting.

Approval of agenda; and approval of the November 19, 2015 meeting minutes

Councilwoman Beus made a motion to approve the evening's agenda and the November 19, 2015 meeting minutes. Councilman Hansen seconded the motion. The motion passed unanimously 4-0; with Councilwoman Beus, Councilman Hansen, Councilman Jacobsen, and Councilman Bernhardt all in favor.

Public Comment Period

Mayor Dustin read the footnote regarding the public comment period that appeared at the bottom of the evening's agenda.

"Public input is welcomed at all City Council Meetings. 15 minutes have been allotted to receive verbal public comment. Verbal comments shall be limited to 3 minutes per person. A sign-up sheet is available at the entrance to the Council Chambers starting 15 minutes prior to each council meeting and at the rostrum for the duration of the public comment period. Commenters shall identify themselves by name and address on the comment form and verbally for inclusion in the record. Comment will be taken in the order shown on the sign-up sheet. Written comment will also be accepted and entered into the record for the meeting if received prior to the conclusion of the meeting. Comments determined by the presiding officer to be in violation of Council meeting rules shall be ruled out of order."

Mayor Dustin said the public would be ruled out of order for anything that got personal; everyone needed to be polite. He said the City Council was not allowed to talk about these comments in an open session. He also said he would be following the time limits strictly.

Mayor Dustin opened the meeting for public comment at 6:41.

Allen Cook expressed his appreciation of the opportunity to comment at a public meeting. Mr. Cook discussed the recently approved franchise agreements. He said he would like to see some of the money paid for use of public right-of-way be used to beautify the right-of-ways. He also would like the money used for public safety. Mr. Cook expressed his appreciation of the City Council making the General Plan Open House "kid friendly". He said his kids were able to voice their opinions. He said this was important the kids outnumbered everybody in Nibley.

Mayor Dustin described why the City Council wouldn't be able to engage with the public during the public comment period.

Mayor Dustin closed the public comment period at 6:44 p.m.

Discussion and Consideration of Resolution 15-11: A Resolution Waiving Impact Fees for The Stokes Nature Center

Ms. Ru Mahoney, Executive Director of the Stokes Nature Center and Barbara Farris were present for this discussion.

Mr. Zook described that Nibley City operates water and sewer systems and charged impact fees when homes or business are constructed and want to connect to these systems. The impact fees are used to increase Nibley's capacity. He said that Nibley City code §8-6-6-1 was a waiver for public purpose provision. It states that the City Council "...may, on a project by project basis, authorize exceptions or adjustments to

the impact fee rate structure for those projects the Council determines to be of such benefit to the community as a whole to justify the exception or adjustment.” Mr. Zook said the Stokes Nature Center, a non-profit organization, had future plans to build an educational facility on their property. Mr. Zook said the city was excited to have this property in Nibley City. Stokes Nature Center had asked Nibley City to waive their impact fees. Mr. Zook said the impact fees for water would normally be \$1,950. The sewer impact fee would normally be \$1,725. The total amount to be waived would be \$3,675.

Mr. Zook said the Stokes Nature Center had written a letter to the City Council stating what they intended to offer to the city in exchange waiving the impact fees. Mr. Zook said the Stokes Nature Center had went forward with connection to Nibley City utilities because of the construction that was occurring at the intersection of 2600 South and SR 165 due to the new high school. They were able to tie into Nibley’s system at a reduced cost. Mr. Zook said it was Nibley City staff’s recommendation to waive those fees. Mayor Dustin said it was also his recommendation to waive the impact fees for the Stokes Nature Center.

Councilman Jacobsen made a motion to adopt Resolution 15-11: A Resolution Waiving Impact Fees for The Stokes Nature Center. Councilman Bernhardt seconded the motion.

Ms. Farris said they were excited to partner with Nibley City and that they were able to get the money to stub into the system. Ms. Ru Mahoney said the property had been donated to Stokes Nature Center and was currently a wildlife conservation easement with the Utah Department of Wildlife and couldn’t be developed. She said they did have approval to construct some restroom facilities so that they could start holding programs on the property and some potential trail; she said this was not intended to be a huge development.

Councilman Bernhardt asked for their timeframe. Ms. Mahoney said they had raised \$12,000 which had covered the cost of stubbing into the utilities. The next step was to raise the funding for a full plan and then to put in the restroom facility. She said this all depended on funding and she hoped building would happen in the next five years. Ms. Farris described the 11-acre property and some of the animals that were on the property.

Councilwoman Beus asked what activities they anticipated taking place on the property. Ms. Mahoney said they anticipated holding a nature preschool. Ms. Farris said there had been Eagle Scout projects and a few summer camps that had already been held on the property; she said they had also done a few adult programs. Mayor Dustin described what he envisioned happening with the Stokes property. He said it was a nice fit and could potentially show good faith with other developers.

Councilman Hansen thought they could connect this property with the community garden and Morgan farm. Councilman Jacobsen said he was excited to have the

Stokes' property there and he was excited to have the amenities offered to Nibley City residents. He needed to know what the plans were so he could weigh whether there would be enough public benefit to waive the impact fees. Councilman Jacobsen asked if Ms. Mahoney and Ms. Farris knew what the conservation easement kept them from doing. Ms. Mahoney said she didn't know exactly the limitation on the property. She said this would be a place for programs with a restroom and possibly a yurt. Councilman Jacobsen asked if they intended to offer some of the same resources they offered at their other facility. Ms. Mahoney said this was their hope. Mayor Dustin discussed the public's desire for open space and he felt this gave Nibley Citizens nominal access to 5 acres of open space. Councilman Jacobsen said the open space was there regardless of what Nibley did because of the conservation easement that was on the space. Councilman Jacobsen said he was happy with a promise to move forward but needed to recognize it was just a promise. He thought they owed the citizenry the consideration of alternatives. He asked if they had the alternative to delay the decision until a building permit application came in and they had a more formal plan before them? Ms. Mahoney said Stokes was most interested in developing a partnership with Nibley City. She said they didn't have a plan and couldn't say that every Nibley citizen could wander on to the property. Councilman Jacobsen felt they were buying goodwill at this point. Mayor Dustin said he saw a lot of potential to do a lot of good things but had nothing concrete other than what was included in the letter to the Council. Councilman Hansen asked about current access and said he liked the idea of keeping the momentum going and getting additional funding and response. He said showing they had a strong partnership and showing that that Nibley City Council was on board with the Stokes Nature Center could help them with funding. Ms. Mahoney said showing they had a partnership with the city could help the center when they were seeking grants. Councilman Bernhardt asked if they had any plans for parking. Ms. Farris said they had a plan to put parking on the property.

Mr. Zook asked if the motion waived the second reading, which the City Council discussed.

Councilman Jacobsen made a motion to amend to waive the second reading of Resolution 15-11 and adopt the resolution. Councilman Hansen seconded the motion. The amendment passed unanimously 4-0; with Councilman Jacobsen,, Councilman Hansen, Councilwoman Beus, and Councilman Bernhardt all in favor.

The vote to adopt Resolution 15-11 was as follows; Councilman Jacobsen was in favor, Councilman Bernhardt was in favor, Councilman Hansen was in favor, and Councilwoman Beus was in favor.

The amended motion passed 4-0; with Councilman Jacobsen, Councilman Bernhardt, Councilman Hansen, and Councilwoman Beus all in favor.

Presentation of the Annual Audit

Mr. Zook said state law required the City Recorder or other delegated person, such as an auditor, present the annual audited financial statement to the City Council within six months of the end of the fiscal year. Mr. Zook said the city had engaged the services of an independent auditor, Matt Regen, to provide these services and present the audited financials to the Council. In performing the audit, Mr. Regen reviewed the City's financial records, interviewed multiple staff members, including the Mayor, City Manager, Court Clerk, Treasurer and others. Mr. Zook distributed the Nibley City financial statements for the year ending June 30, 2015 and introduced Matt Regen.

Matt Regen, an independent auditor was present at the meeting.

Mr. Regen showed an electronic presentation for the City Council and public present. Mr. Regen discussed the following topics: General Fund Revenues for 2015, General Fund Expenses for 2015, General Fund Operations, Capital Projects Fund, Sewer Fund Operations, Storm Water Fund Operations, Bonds Payable to the State of Utah, City-wide Capital Assets at the End of Year.

Mr. Regen read his statement:

"In my opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position . . . of Nibley City, as of June 30, 2015."

Mr. Regen discussed his overall observations.

Councilman Jacobsen asked if there was anything Mr. Regen saw that pertained to a comment made during the City Council election process that Nibley had "a structural deficit of approximately about \$300,000 in the budget." Mr. Regen said Nibley had the ability to spend more money and not accumulate as much money as Nibley City was accumulating in their surplus. He disagreed if the comment was made implying that Nibley City didn't have enough money and was being poorly ran because the money was not there; the money was there.

Mr. Zook asked about the FDIC limit and asked for recommendation of where Mr. Reagan should hold their money that was insured. Mr. Regen said he felt there was very little risk and said the city should focus on who would give them the highest return on their money.

Councilman Bernhardt discussed that the city should take on the challenge to have no debt. Mr. Zook asked if perhaps the city's that had no debt were actually not in a good place with their utilities or they were putting off maintenance that would lead to costlier things in the future. Mr. Zook discussed how debt could be a positive thing when using impact fees. Mr. Zook said Nibley's accountant had suggested Nibley maintaining, building, and replacing things before paying off their current debt. He felt it came down to a matter of prioritizing.

Councilwoman Beus made a motion to accept the Nibley City Annual Audit as presented. Councilman Hansen seconded the motion.

Councilman Jacobsen said he was hesitating because they hadn't previously seen the Nibley City financial statements for the year ending June 30, 2015. He said in his initial review that he saw some things that were interesting. Councilwoman Beus said she understood that they just needed to receive the audit by the end of the year. The City Council discussed the most appropriate action to take.

There was unanimous consent to revise the motion to say "receive" instead of "accept"

The motion passed unanimously 4-0; with Councilwoman Beus, Councilman Hansen, Councilman Jacobsen, and Councilman Bernhardt all in favor.

Presentation of Input Received at General Plan Update Open House

Ms. Phippen chaired this discussion. She noted that she was not available at the open house so was relaying the discussion as presented by the General Plan consultants, Logan Simpson Design. Mayor Dustin asked if there was any demographic information provided. Ms. Phippen said there was not. Ms. Phippen relayed the summary given on where we live, where we play, where we move, where we grow, how we grow, expanding Nibley's boundaries on the south side, how Nibley grew and residential densities, community character, what is missing in Nibley City, and town center opportunities. Ms. Phippen read a portion of the executive summary that was written by the consultants.

Councilwoman Beus asked if there was any plan to have small focus groups with the consultants. Ms. Phippen said small groups were not planned. The plan was to conduct multiple open houses.

Councilwoman Beus asked for Ms. Phippen overall take-away from the public open house. Ms. Phippen stated her take-away. Councilman Hansen asked if Millville or other outliers had been involved in the open house. Ms. Phippen said they had been invited. Councilman Hansen suggested they provide outlying communities with a draft of their plan and invite their comments.

Council and Staff Reports

Mayor Dustin reported on the swearing in of the City Council. He said it was planned for Monday, January 4. Mayor Dustin, the City Council, and Mr. Zook discussed when this meeting should be held. They decided on 5:30 p.m.

Mayor Dustin told the City Council about the Nibley City Christmas Party on Thursday, December 17 at 6:00 p.m. being held at the USU Skyroom.

Mayor Dustin reported on the sewer and discussion with Hyrum City.

Ms. Phippen said the City Council meeting on December 12 would be at Heritage Elementary School at 2:00 p.m. She said Principal Jack would like the opportunity to meet the City Council and asked that the City Council arrive early to meet with him.

Councilwoman Beus asked about winter parking violations.

Councilman Bernhardt reported on a resident who had received a tree-trimming letter. He said the resident felt “caught off guard” and was “surprised by the tone.”

Councilman Bernhardt discussed a multi-denomination outreach live nativity and Christmas program. He said on December 21 from 6-9 p.m. at the 1400 North and 1800 East Stake Center there was a non-denominational “Celebration of Christ” program.

Councilman Jacobsen said he had received a tree-trimming letter and felt the letter was justified and very appropriate. He said his letter was “well deserved.”

Mayor Dustin reported that the bridge girders for the bridge at 2600 South were being cast. He and Mr. Maughn were intending to go down and observe this.

Mayor Dustin recognized Mr. Nelson. Mr. Nelson stated he was officially done with his graduate program and had received his Master’s degree in Public Administration.

Mr. Zook reported on the Nibley City Holiday Open House and the Annual Live Nativity.

Mayor Dustin adjourned the meeting at 8:57 p.m.

Attest: _____
Deputy City Recorder